



September 1, 2004 BZA

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0321

Caroline and James P. Kastelberg

Dale Magisterial District
4888 Burnham Road

- REQUESTS:** I. A 2.5 foot Variance to the 7.5 foot side yard setback requirement for an existing carport.
- II. A five (5) foot Variance to the eighty (80) foot front yard setback requirement for an existing carport.

RECOMMENDATION

Recommend denial of these Variances for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area.
- B. Variances are not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

This property is known as 4888 Burnham Road. Tax ID 783-691-3734 (Sheet 12).

Existing Zoning:

R-15

Size:

.545 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-15; Residential

South - R-15; Residential

East - R-15; Residential

West - R-15; Residential

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation Plan)

Residential

(2.51 to 4.0 units per acre)

DISCUSSION

The applicants have erected an aluminum carport five (5) feet from the side property line (see attached site plan). The Zoning Ordinance requires a 7.5 foot setback. Therefore, the applicants request a 2.5 foot Variance. The applicants have also indicated the carport is seventy-five (75) feet from the front property line, the Zoning Ordinance requires an eighty (80) foot front yard setback. Therefore, the applicants request a five (5) foot Variance.

The applicants provide the following justification in support of these requests:

The carport is to protect the cars, plus help us, as elderly people with snow and sleet. There will be an extra expense if the carport has to be moved and extra asphalt has to be put down.

Staff notes that Planning Department staff visited the site in response to a complaint. Staff's inspection revealed that the applicants were in violation of the Zoning Ordinance side yard setback requirement for an existing carport. These requests are in response to staff's investigation.

Staff has reviewed the attached site plan and the applicants' requests. Staff finds that there are not extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance

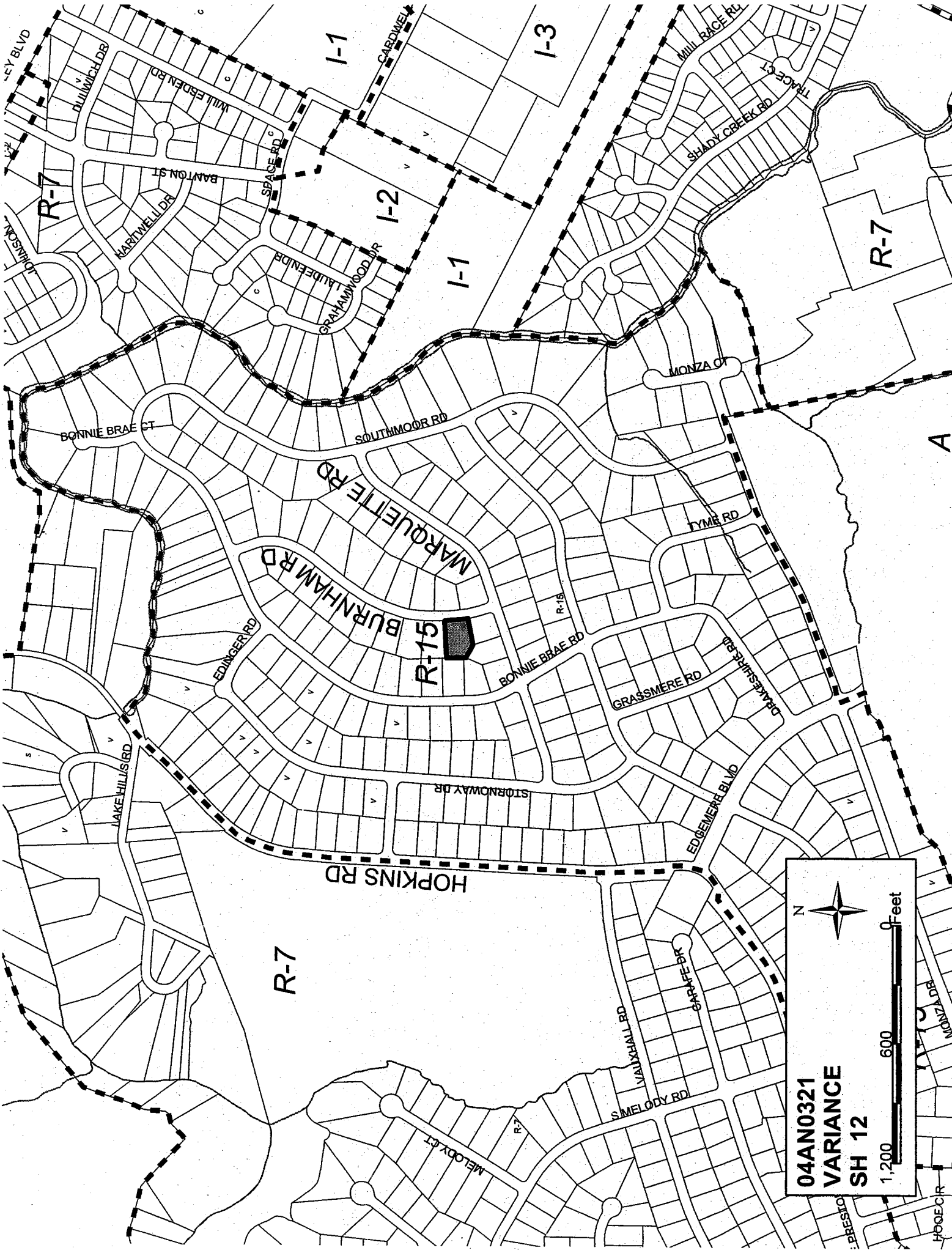
(Section 19-21 (b)) has not been met. In addition, it is staff's opinion that an alternative exists to the request. Staff believes the carport could be relocated on the property where it would meet setbacks and eliminate the need for these requests.

Because an alternative exists and the applicants have not provided evidence of extraordinary conditions, staff does not support this request.

Should the Board of Zoning Appeals approve these requests, they should be applicable to this carport only. Other structures could be constructed to this reduced setback. Therefore, staff recommends if these requests are approved, they be subject to the following condition:

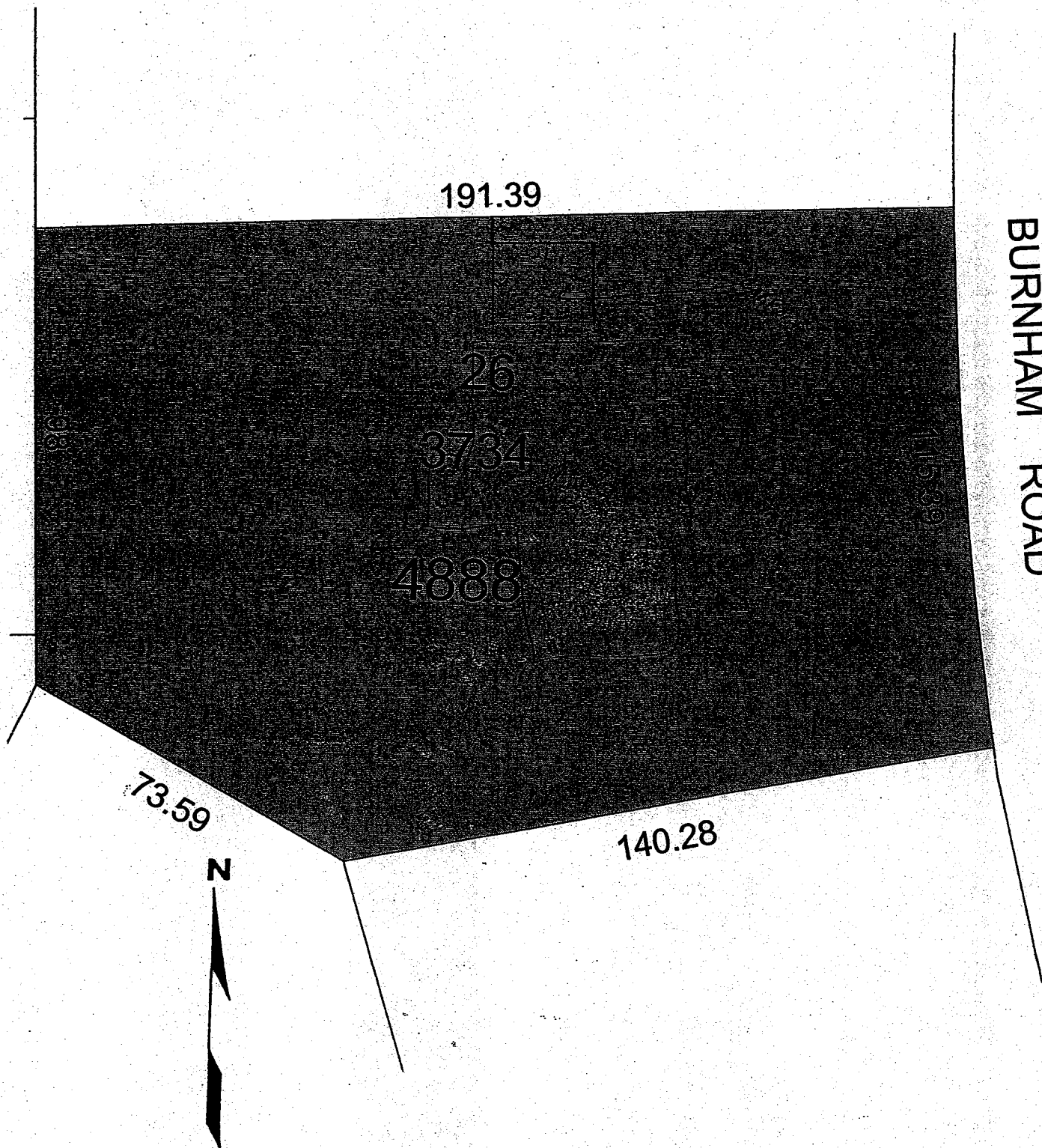
CONDITION

This Variance shall be for the existing carport as depicted on the plat attached to staff's report.



04AN0321
VARIANCE
SH 12

1,200 600 0 Feet



BURNHAM ROAD

